

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JORGE GALEAS-MENCHU-EL, JR.,)
)
)
Plaintiff,)
)
)
v.) 1:22CV636
)
)
JANET YELLEN,)
)
)
Defendant.)

ORDER

This matter is before this court for review of the Order and Recommendation filed on August 17, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) In the Recommendation, the Magistrate Judge recommends that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects cited in the Recommendation. The Recommendation was served on the Plaintiff on August 17, 2022. (Doc. 3.) Plaintiff filed objections to the Recommendation.¹ (Doc. 4.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified

¹ This court construes as objections a document Defendant has entitled "Notice to Motion for Coram Nobis or Writ of Error." (Doc. 4.) Notwithstanding the title, the allegations contained in the pleading are largely objections to the Recommendation, and this court construes the pleading as an objection to the Recommendation.

proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which the objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action be filed and **DISMISSED** *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects cited in the Recommendation.

This the 27th day of September, 2022.

William L. Osten, Jr.
United States District Judge